

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES PAUL SIKON,

Defendant-Appellant.

UNPUBLISHED

July 15, 1997

No. 195468

Livingston Circuit Court

LC No. 95-009053 FH

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

A circuit court jury convicted defendant of second-degree home invasion, MCL 750.110a(3); MSA 28.305(a)(3). Defendant received an enhanced sentence of eight to twenty years' imprisonment, reflecting his status as a fourth offender, MCL 769.12; MSA 28.1084. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant has waived appellate consideration of his challenge to the admissibility, for impeachment purposes, of evidence of his prior use of aliases to defraud and thief. See *People v Finley*, 431 Mich 506, 509; 431 NW2d 19 (1988).

The trial court also did not abuse its discretion when it denied defendant's motion for a mistrial. *People v Gonzales*, 193 Mich App 263, 266-267; 483 NW2d 458 (1992). An unresponsive, volunteered answer to a proper question is not cause for granting a mistrial. *Id.* More importantly, the volunteered answer was admissible to show an absence of mistake. MRE 404b.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Martin M. Doctoroff

/s/ Donald A. Teeple

* Circuit judge, sitting on the Court of Appeals by assignment.